

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DERVON M. TATE,
Plaintiff,

v.

Civil No. 3:20cv86 (DJN)

MS. BRANDY,
Defendant.

MEMORANDUM OPINION

Plaintiff Dervon M. Tate (“Plaintiff”), a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendant’s conduct. Plaintiff’s current allegations also fail to provide the defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (holding that a complaint must “give the defendant fair notice of what the claim is and the grounds upon which it rests” (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957))). Accordingly, by Memorandum Order entered on July 30, 2020, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 11.) The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the July 30, 2020 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the July 30, 2020 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

Richmond, Virginia
Dated: September, 2020

/s/
David J. Novak
United States District Judge